APPROVED: MEETING NO. 45-84

ATTEST: Relew Malineghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

Meeting No. 40-84

November 19, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, November 19, 1984, at 7:45 p.m.

PRESENT

Mayor Pro Tem Douglas Duncan

Councilman Steve Abrams

Councilwoman Viola Hovsepian

Councilman John Tyner, II

ABSENT

Mayor John R. Freeland (Resigned November 19, 1984)

The Mayor pro tem in the Chair.

Re: Elections

Mayor pro tem Duncan called the meeting to order and asked if the City

Attorney would explain the procedure. Mr. Glasgow told the gathering that Mayor

John R. Freeland had tendered his resignation from office. Mr. Glasgow

explained that since the City Charter did not set forth a specific nominating

procedure to fill a vacancy in the office of Mayor or Councilmember, the

following procedure could be followed in order to fill the vacancy. Nominations

for the office of Mayor can be made by any member of the council including the

chairperson. Once nominations have been made the chairperson will proceed with

the elections. Election will be by individual voice vote. The candidate

receiving a favorable vote of a majority will be declared mayor. The same process will be followed for filling the vacancy of councilmember.

Councilmember Abrams moved, duly seconded and unanimously passed that the Mayor and Council adopt the normal procedure for filling a vacancy.

Mayor pro tem Duncan moved that Councilwoman Viola Hovsepian be elected Mayor.

Councilman Abrams moved that Councilman Tyner be elected Mayor.

There being no further nominations, Mayor pro tem Duncan declared the nominations closed and there being no discussion he called for a vote.

Councilman Abrams voted for Councilman Tyner.

Councilman Tyner voted for Councilwoman Hovsepian.

Councilwoman Hovsepian voted for Councilwoman Hovsepian.

Mayor pro tem Duncan voted for Councilwoman Hovsepian.

City Clerk Helen Heneghan declared Councilwoman Hovsepian to be elected Mayor by the favorable votes of a majority of the Councilmembers.

The Oath of Office of Mayor was administered to Mrs. Hovsepian by the Clerk of Court for Montgomery County.

Mayor Novsepian asked for nominations to fill the vacancy that exists on the Council.

Councilman Tyner nominated Peter Hartogensis for Council.

Councilman Abrams nominated Milton T. Lawrey.

There being no further nomination and no discussion, Mayor Hovsepian called for a vote.

Councilman Abrams voted for Mr. Lawrey.

Councilman Tyner voted for Mr. Hartogensis.

Councilman Duncan voted for Mr. Hartogensis.

Mayor Hovsepian voted for Mr. Hartogensis.

The City Clerk, Helen Heneghan, declared Peter Hartogensis to be elected Councilman by the favorable votes of a majority of the Mayor and Council.

Mayor Hovsepian administered the Oath of Office of Councilman to Peter Hartogensis.

Nayor Hovsepian made the following statement:

I am honored to be selected to serve as Mayor of Rockville for the eleven months of this unexpired term. I welcome aboard our new Councilmember, Mr. Hartogensis. Each of us is here because we offered to serve the people of Rockville as elected officials.

The members of the Mayor and Council bring a diversity of backgrounds and skills to this arena. In the past such diversity has augmented our ability to serve Rockville. I believe it will continue to do so.

This newly constituted Mayor and Council face agendas full of issues critical to the future of Rockville. May we move forward, acknowledging our differences but recognizing the strength that comes from our unity of purpose: to serve the people of Rockville.

Councilman Abrams made the following statement:

I wish to make a formal statement regarding the selection of our new Mayor and Council member. As both of them know from my comments to them privately I cannot in good conscience join in supporting their selection. However, I have assured Mrs. Hovsepian that it is my intention to act responsibly in carrying out my duties as a councilmember, just as I always have.

I do have a few thoughts and suggestions for our new Mayor. As you know, I was somewhat dissappointed by your decision to schedule the formal public selection at a time before our regular meeting normally would begin. I did make a request to both our former Mayor John Freeland, and to you, Mrs. Hovsepian, that the selection be placed on our agenda this evening immediately after citizens forum. I explained to both of you my reason -- to withhold our selection until after the public had an opportunity to express their views, if any, at a time they would normally be able to comment on the City's business. Public comment may not have given me any reason to change my vote from one of opposition to one of support. But on the other hand, it might have. Your failure to honor my request, which I believed to be a reasonable one, gives me some cause for concern. I hope it is not indicative of a change

in your previous stated desire to increase public input into our decisions.

Mrs. Hovsepian, your task is a difficult one. Your are sitting in a position to which you have not been elected by the citizens of Rockville. The person you succeed has stood for an approach to setting policy in Rockville for the past ten years — even-handedness to the business and residential communities, strong private sector orientation, and a commitment to common sense solutions to urban problems. I believe any effort on your part to use the office to promote policies other than those articulated by John Freeland is a breach of faith with the voters of this City. Your recent statements in a newspapers suggest to me that you intend to try to change those directions. I would urge caution on your part.

Your task is further complicated by the strong personalities that sit here with you. At least two of us have announced our intentions to run for Nayor in 1985, a third is considering it, and the other two are running for something else. Don't use politics as an excuse for suppression of views, railroading appointments or scheduling meetings when it is not convenient for working members of the Council to attend. I would hope you will be as fair with us as John Freeland was with you. You and I are going to have our differences. But it is your obligation to make sure that I am afforded the same courtesies and right to express my positions as Ken Sullivan was afforded by Bill Hanna and as you were afforded by John Freeland. You must remember to do the same thing that I must -- respect the positions we occupy, even if we do not always respect the occupant.

I am pleased about one aspect of the selections. Mrs. Hovsepian, in voting to support Peter Hartogensis, you have cast a vote for an individual whose national party affiliation is well-known — Peter is a democrat. In fact, he is a rather active democrat, serving as a party official, having been a candidate for the House of Delegates in 1982 and then serving as co-chairman for the successful election efforts of our current State Senator and Delegates. I presume by your support of Mr. Hartogensis that you no longer oppose the partisan activities or candidacies by Rockville elected officials. I also trust you will make your change of position known to the public before we hear from them regarding our ethics ordinance changes.

One final comment. During our executive session you assured Doug, John and me that you never discuss our executive session issues with your husband Dick. You may have thought that we would have found that comment

reassuring. I found it frightening. I'm sure Dick and I don't see eye to eye on many issues. But I hope most strongly that you do confide in him and seek the benefit of his counsel and experience. Marilyn has been a source of strength and good judgement for John Freeland, just as Judy has been for me and Russ Hamill has been for Doug Duncan. Obviously there are some things that need to be discussed among us that shouldn't be discussed any further. But for a majority of our deliberations it helps greatly to have a confidant. I hope you will keep that in mind and use Dick wisely.

I have serious reservations about both of you. In both instances I would have preferred other candidates that I believed to be better qualified, Lewis Dale or John Tyner for Mayor and Pat Woodward of Tom Lawrey for Gouncil. But I also have a strong commitment to this City. Please believe me when I wish you good luck in carrying out the task. I hope you can prove by your performance that my concerns are misplaced.

Councilman Hartogensis congratulated Mrs. Hovsepian for her selection as Mayor. He noted that his goal is to become a good Councilman and try to put aside the partisanship that has divided the Council and get back to the work of running the City.

Councilman Duncan congratulated both Mrs. Novsepian and Mr. Hartogensis. He said he looks forward to moving on now with the City business.

Councilman Tyner made the following statement:

I wanted to let you know directly what prompted the course of action I am taking tonight in the selection of a new Mayor to succeed John Freeland.

Very bluntly, I have always considered my word as my bond. The agreement, not vote, of a majority of the Council to select Vi Hovsepian as Mayor for John's unexpired term pledged all of us to do a certain course of action. I did not do that lightly...for the lack of one IFR vote at that time, I lost the IFR mayorship. The fact that the results of our executive session immediately appeared in the media has not helped the situation at all.

I have taken a great personal risk by voting for Vi, above party and my own personal ambition. My action is in the interest of the City and is the beginning of how I hope to heal the City and move on with the real

business at hand which is neither personalities, nor petty politics, but Progress.

We need to reidentify ourselves with our City's basic message of balanced growth in our community while encouraging all parties to participate and speak up on the issues. None of us as individuals, or collectively as organizations, can always get our way, but by melding all of these viewpoints into something workable that brings forth that sometimes elusive quality of progress, we all prosper and enrich our families' lives.

I invite all of my Council colleagues to work together now to set out a strategy for the coming year that will allow us to move ahead with what we were elected to do... Lead the City. There will be plenty of time during the 1985 campaign to debate styles and issues.

He congratulated both Mrs. Hovsepian and Mr. Hartogensis.

Re: City Manager's Report

Mr. Blick reported the following:

- 1. He congratulated Mayor Hovsepian and Councilman Hartogensis and told them he pledged staff's support in the 11 months ahead.
- 2. Leaf collection is one day behind. This year collections are considerably ahead on volume.
- 3. Montgomery County has completed installation of the lity-recommended left turn signal at Montrose Road and Monroe Street.
  - 4. Research Boulevard construction is completed.
- 5. Tomorrow the Montgomery County Council will hold a work session at 2:30 p.m. on the Gaithersburg Vicinity Master Plan.

Re: Appointment

Mayor Hovsepian said this evening she would like to make an appointment to the Planning Commission. She asked Chairman Barnett of the Planning Commission for her thoughts on this matter. Mrs. Barnett said she would like to have the Planning Commission appointment left open for the time being to allow for more applications. In the meantime any applicant should attend sessions and become

aware of the issues. Councilman Tyner asked Mrs. Barnett if she would prefer to see it left open until January. Mrs. Barnett said she would. Councilman Duncan disagreed and said he feels it is important to make the appointment and not wait until after the Westmont decision. He would prefer not to see the Commission lacking in numbers. Councilman Abrams said he had plans this past weekend to be in Boston for a wedding when interviews for the Planning Commission were conducted and he would like the courtesy of the opportunity of interviewing prospective appointees. Anything as important as the Planning Commission should have the support of the five members of the Mayor and Council and he felt it only right that the Council should take heed of the Chairman's request. Councilman Tyner agreed with Councilman Abrams and suggested the Mayor and Council accede to the Chairman's wishes. Councilman Abrams also asked that the Chairman be allowed the courtesy of interviewing the applicants. Mayor Hovsepian said she would defer the appointment to December 3 but expects to propose the appointment at that time since a most unusual situation exists and many issues need to be decided.

Ke: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

- 1. Dickran Hovsepian, 2 Tweed Court. Mr. Hovsepian said that in 1964 he urged the Mayor and Council to pass an Ethics Ordinance and that became the basis for the present document. Tonight he has heard a Councilman ask the Mayor to break the law by discussing confidential Council matters. He said that he and his wife do not discuss confidential material and will not do so and he deeply resents the fact that his wife is being asked to break the law.
- 2. William Allen, President of the North Farm Citizens Association. Mr. Allen presented a letter of congratulations to the new Mayor on behalf of the

residents of North Farm. He also presented a letter to Chariman Barnett of the Planning Commission noting what North Farm feels are procedural problems in the hearing process for Planning Area 12. He expressed his disappointment that a new Planning Commission member was not appointed this evening and congratulated Mr. Hartogensis on his election to the Council.

- J. Leah Barnett, Chairman of the Planning Commission. Mrs. Barnett congratulated the new Mayor and said the Planning Commission looks forward to working with her. As President C. ... Chamber of Conmerce, Mrs. Barnett stressed the need to have a continued balance and understanding between the residential and commercial areas of the City.
- 4. Rev. Mansfield Kaseman. Rev. Kaseman congratulated the Nayor and Council. He noted Mrs. Hovsepian's outstanding record in community service and said a greater effort is needed now. He congratulated the council for the speed with which they have accomplished the feat and particularly thanked Councilman Tyner for what he has done. He then read Psalm 72 to the Council.
- 5. Robert Jacques. Mr. Jacques said that in Councilman Abrams, he has finally found someone in public life, who in comparison makes Mr. Jacques seem charming, gracious and tactful. He noted that the new Mayor must not necessarily be a clone of John Freeland, she must exercise her own judgment and act accordingly. Mr. Jacques also expressed lack of understanding of Mr. Abrams' remarks. Councilman Abrams answered Mr. Jacques and said he felt there was always a place in life for an honest politician. Mr. Jacques expressed the fact that he felt Councilman Abrams' remarks were unfair to Mr. Hartogensis.

Mayor Hovsepian asked that the debate continue at another time.

6. JoAnn Mazzetta, 19 Pitt Court, Chairman of the Human Rights Commission.

Mrs. Mazzetta said she is particularly happy that the Council chose Mrs.

Hovsepian with whom she has worked very closely on actions involving the Human

Rights Commission. She is pleased to see the Council acted to elect the person

with the second highest vote since that would seem to follow the wishes of the Electorate.

- 7. Lucille Manko, Fletcher Place. Mrs. Manko said when Permit Parking for Fletcher Place was postponed the Council agreed they would continue monitoring the situation. The changes proposed with the buses are not working. Mayor Hovsepian asked that this be placed on a Mayor and Council agenda soon for further review.
- 8. Joseph A. Lynott, Esquire, congratulated the new Mayor and Council and referred to Item No. 14 on the Agenda which calls for a text amendment to update development standards in the I-3. If this amendment is approved it will bring a particular property into line with all other properties that have been developed that way.
- 9. Dennis Cain, 502 Carr Avenue. Mr. Cain said he received a notice of Public Hearing on Area 12 and there is no authority line on this. He did not know who had printed it and he read from it noting the line saying that copies of the testimony must be submitted and asked why the City would attempt to squelch public input. Councilman Hartogensis explained to Mr. Cain that he was a member of the Planning Commission that drew up that particular announcement and no attempt was made to squelch public input but rather to encourage it since if the hour becomes too late many citizens become discouraged and do not stay to testify.
- 10. Steve Fisher, 1014 Neal Drive. Mr. Fisher congratulated the new Council on behalf of the Rockville Civic Federation and wished it well and said he hopes to work closely with them in the future.

There being no other citizen wishing to address the Mayor and Council,
Mayor Hovsepian closed the citizen's forum portion of the meeting.

Re: Approval of Letter to Dr. W. Gody, re annual update of Board of Education 15 year Plan

A letter was submitted to the Council for their review. Elaine Goldberg, Chairman of the Education Commission spoke in favor of the letter and noted that it reiterated the same issues as last year. Councilman Duncan suggested a change in the wording so that it would read "...that stability maintained within all school attendance areas in the care." In answer to a question of Councilman Abrams, Mrs. Goldberg explained that the letter simply reiterates a prior City position. Councilman Abrams said he plans to vote against the letter because it was his belief that the City's policy was not to address items that occurred within a particular cluster as long as it would not result in sending Rockville students to schools outside the City limits. He would like to see it on a future agenda for the Council to discuss.

On motion of Councilman Duncan, duly seconded and passed, the letter was approved with Councilmembers Hartogensis and Abrams voting may and hayor llovsepian and Councilmembers Duncan and Tyner voting age.

Re: Public Hearing: Renegotiated understanding in connection with an amended and restated disposition and development agreement for the Town Center

The Mayor and Council conducted a public hearing on a renegotiated understanding in connection with an amended and restated disposition and development agreement for the Town center, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor declared the hearing closed with the record to be held open until 5:00 p.m. on November 30.

November 19, 1984

Re: Adoption of
Ordinance: To exempt
the City from the
applicability of
legislation enacted
by Montgomery County

## Ordinance No. 38-84

On motion of Councilman Duncan, duly seconded and unanimously passed, the ordinance was amended so as to make technical corrections as submitted by the City Attorney.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all voting, Councilman Hartogensis abstaining, Ordinance No. 38-84, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council exempting the City from the applicability of legislation enacted by Montgomery County, was adopted by the Mayor and Council.

Re: Adoption of
Ordinance: To repeal
certain provisions of
the "Laws of
Rockville" which are
substantially similar
to County legislation, and to repeal
certain other
obsolete City laws.

## Ordinance No. 39-84

On motion of Councilman Abrams, duly seconded and unanimously passed, the ordinance was amended to reflect certain technical changes submitted by the City Attorney.

On motion of Councilman Duncan, duly seconded and unanimously passed,
Ordinance No. 39-84, the full text of which can be found in Ordinance Book No.
12 of the Mayor and Council, to repeal certain provisions of the "Laws of Rockville" which are substantially similar to County legislation, and to repeal certain other obsolete City laws, was adopted by the Mayor and Council.

Re: Decision to dissolve llumanities Commission

The staff has suggested that since it has been difficult to attract new membership to the Humanities Commission the Council consider dissolving the commission and request an appointment of one of the two remaining members to the Nontgomery County Humanities Commission.

On motion of Councilman Duncan, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to accomplish this.

Re: Adoption of Ordinance:
To grant Text Amendment Application, T59-84, Nayor and
Council of Rockville,
applicant, amending
the text of the
zoning ordinance so
as to make City child
care regulations compatible with those of
Montgomery County

## Ordinance No. 40-84

On motion of Councilman Duncan, duly seconded and unanimously passed,
Ordinance No. 40-84, the full text of which can be found in Ordinance Book No.

12 of the Mayor and Council, to grant Text Amendment Application T-59-84, amending the text of the zoning ordinance so as to make City child care regulations compatible with those of Montgomery County, was adopted by the Mayor and Council.

Re: Waiver of on-site storm water management - Parcel 2B - Town Center

This site in the 200 block of Hungerford Drive is located at the easterly end of the Town Center mall and is in the Rock Creek drainage area. The project includes redevelopment of part of the existing improvements and the applicant is

seeking a waiver of on-site SWM requirements for an area of 0.9073 acres (about 10% of the total site).

The water table and the soils in the area are not conducive to infiltration and an underground detention system would need to be pumped out.

Since there are compensating SWM facilities (a combination dry extended detention pond and ball field) in process at Maryvale Park, it is recommended that the City waive the on-site SWM requirement and accept a contribution of \$10,888 (0.9073 acres & \$12,000) toward the public SWM program, subject to concurrence by the Montgomery Soil Conservation District.

On motion of Councilman Tyner, duly seconded and unanimously passed, onsite SWM was vaived and a contribution of \$10,888 was accepted.

Re: Preliminary Review
and Referral of Text
Amendment T-65-84,
J.A. Lynott, Applicant,
to clarify development standards

On motion of Councilman Duncan, duly seconded and unanimously passed, Text Amendment Application, T-65-64, was referred to the Planning Commission for further review and study.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all voting, Councilman hartogensis abstaining, the Minutes of Meeting No. 36-84, October 15, 1984, were approved as written.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all voting, Councilman Hartogensis and Abrams abstaining, the Minutes of Meeting No. 37-84, October 22, 1984, were approved as corrected.

Re: Correspondence

The Mayor and Council noted the following items of Correspondence:

i. Letters re Safeway

2. JoAnn Nazzetta, HRC, re amendments to Chapter 13

Councilman Tyner said this is a good point. Mayor Novseplan asked that it be placed on the work session agenda for December 3 and scheduled for early in the evening.

- 3. APWA, re thank you letter
- 4. COG, re citizen representative to COG-PAC

Councilman Tyner asked that this vacancy be advertised.

- 5. RSI, re thank you letter
- 6. In-B-Tweeners, re Social Security tax benefits
- 7. Maryland Historical Trust re Dawson Farm historic designation

Councilman Tyner suggested the Mayor and Council send a letter of support. The Mayor and Council agreed

S. B. Browning, re street name change

The City Manager has responded to this and a copy was sent to the Council.

- 9. G. Looper, re Stonestreet parking
- 10. Gov. Hughes, re Social Security Tax on benefits
- 11. COG, re Federal housing program
- 12. Sean Davis, re speed humps on S. Adams Street

Mayor Hovsepian asked if this will be the end of this discussion. Councilman Tyner said it will give the citizens a chance to look back at the original plan since there is no reason to revise the standards.

13. Stanley Vass, re Holladay-Tyler pollution

Mayor Hovsepian asked if there is anything the City could do. The City Manager said the staff will present a cost estimate to the Mayor and Council of detailed monitoring.

Re: Information Items

The Mayor and Council noted the following information items:

- 1. County Council schedule for Gaithersburg/Vicinity Master Plan
- 2. Information on Lewis Avenue speed bumps
- 3. Sister City Task Force expenses for German visitors

4. North Washington St. pedestrian information

Councilman Abrams suggested that the staff's recommendations be implemented. The Council agreed.

5. Information from CDHA on Satellite Parking lot

Councilman Abrams suggested the Mayor and Council go along with the staff's recommendation on hiring a consultant, if needed, next July.

6. Letter ot Furman Builders re Montrose West

Councilman Abrams commended the City Manager for his adroit response and asked that a copy of this letter be sent to the Potomac Springs Neighborhood.

7. Information re Filtration Plant Cable Replacement

The Mayor and Council agreed.

- 8. Notice of design approval
- 9. Analysis of suggestion to close West Edmonston Drive

  Councilman Typer asked that a copy of this be sent to Mr. Salerno.
- 10. Information on Grey Courthouse
- ll. 1st Quarter Energy Report
- 12. Letter from Public Works re 1st Street extension
- 13. Information on Twinbrook Safeway
- 14. Information on Juvenile Services Visit
- 15. Copy of letter to Bert Drayton from WINX re Thanksgiving Drive
- 16. Copy of letter to County Executive from Hub Cap Man
- 17. Information on Special Exception, S-78-81, Sylvia's Restaurant
- 🤏 🧀 18. Copy of letter from Richard Montgomery High re lights
  - 19. Information on Summit Apartments Relocation Study

Councilman Abrams asked if the City has received this report since he has no response to his letter and he asked for the report prior to the hearing or the hearing be delayed. Rev. Kaseman addressed the Council and said the report had been delivered to the Community Development Department last Wednesday or Thursday and it should get to the Council soon.

20. Information on Swim Center Solar Heating Study

- 21. Nemo from City Attorney re Harrison Brothers vs. Mayor and Council Re: New Business
- l. Councilman Tyner said the Cultural Arts Commission has approved its policy statement and forwarded it to the Mayor and Council. He noted that the Mayor and Council must review this and whether or not the Commission can have the authority to spend City funds.
- 2. Councilman Tyner suggested the Mayor and Council meet with the City
  Manager and the City Clerk and go back and schedule a meeting every Monday night
  in order to avoid the lateness of the meetings.
- 3. Councilman Abrams asked that a letter be sent to the State Highway

  Administration requesting a traffic light at Talbott Street and the Rockville

  Pike saying that the same criteria should be applied as were at Templeton Place.
- 4. Councilman Abrams asked that the Mayor and Council's statements at the beginning of the meeting be included in their entirety in the Minutes. The Council agreed to this.
- 5. Councilman Tyner asked if the Mayor and Council might arrange an official function to honor Mayor Freeland after his 12 years of service and hard work. Others have been so honored with the appropriate plaques, etc. Mayor Hovsepian concurred. Councilman Duncan agreed and also asked that the Mayor and Council work on the Public/Private Partnership since the Mayor spent time on it. He suggested it should be planned as a tribute to Mayor Freeland. The Council should proceed with these plans. Mayor Hovsepian noted that Mayor Freeland had initiated a number of things for the betterment of the City. The Lenmore Apartments, etc. and the interest should not be lost. Councilman Abrams urged his colleagues to comment on the Mayor's good works at another meeting early in the evening when others could hear them.

Re: Executive Session

On motion of Gouncilman Tyner, duly seconded and unanimously passed, the Meeting was closed for litigation and consultation with attorneys.

Re: Adjournment

There being no further business to come before the Council in executive session the Meeting was adjourned at 12:10 a.m. to convene again in general session on Monday, December 3, 1984, at 8:00 p.m. or at the call of the Mayor.